



# UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE  
United States Patent and Trademark Office  
Address: COMMISSIONER FOR PATENTS  
P.O. Box 1450  
Alexandria, Virginia 22313-1450  
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/761,425	01/22/2004	Yuuichi Ogasawara	024629-00012	1420
4372	7590	02/14/2008	EXAMINER	
ARENT FOX LLP			FISHER, PAUL R	
1050 CONNECTICUT AVENUE, N.W.				
SUITE 400				
WASHINGTON, DC 20036				
			ART UNIT	PAPER NUMBER
			4127	
			NOTIFICATION DATE	DELIVERY MODE
			02/14/2008	ELECTRONIC

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

DCIPDocket@arentfox.com  
IPMatters@arentfox.com  
Patent\_Mail@arentfox.com

<b>Office Action Summary</b>	<b>Application No.</b> 10/761,425	<b>Applicant(s)</b> OGASAWARA ET AL.	
	<b>Examiner</b> PAUL R. FISHER	<b>Art Unit</b> 4127	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

#### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- 1) ☒ Responsive to communication(s) filed on 05 May 2004.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

- 4) ☒ Claim(s) 1-6 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-6 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 22 January 2004 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All    b) ☐ Some \*    c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)            | 4) <input type="checkbox"/> Interview Summary (PTO-413)           |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)   | Paper No(s)/Mail Date. _____                                      |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date <u>5/5/2004</u> .  | 6) <input type="checkbox"/> Other: _____                          |

### **DETAILED ACTION**

1. This communication is a first Office Action Non-Final rejection on the merits.  
Claims 1-6, as originally filed, are currently pending and have been considered below.

#### ***Claim Rejections - 35 USC § 112***

2. The following is a quotation of the second paragraph of 35 U.S.C. 112:  
  
The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.
3. Claims 1-6 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

The claims are generally narrative and indefinite, failing to conform with current U.S. practice. They appear to be a literal translation into English from a foreign document and are replete with grammatical and idiomatic errors.

#### ***Claim Rejections - 35 USC § 103***

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:  
  
(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.
5. **Claims 1 and 4 are rejected under 35 U.S.C. 103(a) as being unpatentable over Suzuki et al. (US2002/0184120A1), in view of American Machinist: "Software**

**boosts value engineering efforts” (June 2001) hereafter American Machinist, further in view of Inoue (5,317,503).**

**As per claims 1 and 4**, Suzuki et al. discloses a price-setting-management system/method for parts (Paragraph 0007; discloses that the invention relates to a price management system) comprising:

a part-price-setting-management apparatus having the function of managing price setting for parts based on price-table prices (Paragraph 0188; discloses that price table information is used to manage prices for products), similar-part prices, and cost-information prices (Paragraphs 0004 and 0005; disclose that is known in the art to group similar shops that sell similar products/services for the same price, and these groups relate to price rules which help determine the prices of products based off of price histories, from this it is shown that similar-part prices and cost-information prices are both used in the part-price-setting-management apparatus);

a price-setting database in which a price table having the prices of said parts from the part list, factory procurement information and cost information are registered (Paragraph 0152; discloses that the data is stored in a database and that the function of the database is to register the information, Paragraph 0173; discloses the product table or part list which is stored in the database, Paragraph 0219; discloses a shop table which is stored in the database which is being construed as a factory procurement information, from this information it is shown which shop can provide which products/services, Paragraph 0188; discloses a price table which is the cost information that is registered and stored in the database);

a parts database in which sales account data that indicates said parts, and real-registration data are registered (Figure 13, discloses the product table which shows the product ID and the name for that product, Figure 17; discloses the product which is shown by the product id is registered in this table including sales account data such as the basic charge and the amount charge all of this information is real registration data that is registered into the database system).

a plurality of terminals that are connected to said parts-price-setting-management apparatus online (Figure 1; discloses there are a plurality of terminals connected to the network which is connected to the parts-price-setting-management apparatus, Figure 4; discloses that the shop registration means is located on the center server which is connected to the network of figure 1. Paragraph 0066; discloses that the network could be a local area network or the Internet so the system can be accessed online) and have the function of giving instructions for inputting prices of said parts from said part list (Paragraph 0173; discloses a product table that allows for the users of the system to enter product information relating to items on the list), factory-procurement information (Paragraph 0165; discloses a shop group table where the shops are being construed to be factories and this table allows the user to enter information regarding the different shops) and cost information (Paragraph 0188; discloses a price table where all the cost information can be entered into the system by the user), and selecting said price-table price setting, similar-part price setting or cost-information price setting, and the function of viewing the prices of said parts that are set by said price-table prices, similar-part prices of cost-information prices (Paragraph 0152; discloses that the data being stored

can be accessed by the users, from this it is shown that the users can select the different sets of data and view them using the tables and the database provided by the invention);

according to the contents of a selection instruction from said terminal, said parts-price-setting-management apparatus registers said parts for which the prices have been set in said parts database as said real-registration data (Paragraph 0294; discloses that through the terminal the users will enter a price into the system and at the end of the process the price will be registered into the systems and stored in the table).

Suzuki et al. fails to fully disclose a price-setting-method-log-management database in which temporary-registration data is registered and where prices that have not been set are stored as temporary-registration data. Suzuki et al. also fails to disclose where the parts listed for pricing are repair parts.

American Machinist, which talks about the use of estimating systems to help get a more exact price for products, teaches using the temporary information about a price of product, and storing that temporary information in a database (Page 2, paragraph 12; teaches that the original estimates are based off of the estimated times from the database, when actual times differ from the estimates the actual times replace the numbers, Page 2, paragraph 13; teaches that from these different estimates they choose the best method for producing the part to achieve the lowest cost, from these two paragraphs it is shown that their software gets an estimation based on temporary numbers and stores that information in the database, that information is stored until more accurate data can be acquired).

From this teaching of American Machinist, it would have been obvious to one having ordinary skill in the art at the time the invention was made to modify the price setting management system provided by Suzuki et al., with the use of temporary information taught by American Machinist, to calculate the most cost effective way to set the price of a product. It is important to set an accurate price as soon as possible to ensure good product sales and through the use of temporary data used by this software it is possible to get to a more accurate result faster.

Inoue, which talks about calculating a repair cost of a damaged car, teaches where the prices of repair parts is calculated (Figure 20; teaches that there are calculated prices per repair part which in this case is the different parts that were damaged).

From this teaching of Inoue, it would have been obvious to one having ordinary skill in the art at the time the invention was made to modify the price setting management system using temporary information provided by the combination of Suzuki et al. and American Machinist, with the use of this system in a field such as repair parts taught by Inoue, for the purpose of allowing manufactures of repair parts to better estimate the cost of a new part, this would aid them in the marketing of these parts as well as knowing the profit of selling the item.

**6. Claims 2, 3, 5 and 6 are rejected under 35 U.S.C. 103(a) as being unpatentable over Suzuki et al. (US2002/0184120A1), in view of American Machinist, further in view of Inoue (5,317,503), further in view of Marianne M.**

**Huey: "The Profit and Loss Statement: What Does It Mean?" (March 2001)**

**hereafter Huey.**

**As per claims 2 and 5**, the combination of Suzuki et al., American Machinist and Inoue teach the above-enclosed invention, Suzuki et al. further teaches a registration-information-receiving unit that has the function of registering said prices of parts from the parts list (Figure 13; discloses the parts list), factory procurement information (Figure 17; discloses the factory which is construed to be shop procurement information), and cost information (Figure 17; discloses the cost information regarding the different products), which are input from said terminal, in said price-setting database (Figure 4; discloses that the shops can be registered on the server, the pricing information can be registered by the different shops computers, all of this information is then sent to the center server and stored on the Data Base);

a search-information-receiving unit that has the function of searching the various kinds of information registered in said price-setting database and parts database based on the contents input from said terminal (Paragraph 0152; discloses that the database can be used to do data management such as registration, maintenance, correction, and deletion, from this it is shown that since all of the information is stored in the database, a authorized user would be able to search the information to perform maintenance);

a price-table-price-setting unit that has the function of searching for the prices of said parts from the price table registered in said price-setting database based on the part numbers of said parts and attributes of said parts when an instruction for said price-table price setting is output from said terminal (Paragraph 0006; discloses that external



inquiries can be made, Paragraph 0152; discloses that the database can be used to do data management such as registration, maintenance, correction, and deletion, from this it is shown that since all of the information is stored in the database, a authorized user would be able to search the information, Figure 17; discloses the price table which would be displayed, from this it is shown that the database stores all of the relevant information regarding the products and this information can be searched and displayed to the user upon request).

a similar-part-price-setting unit that has the function of searching for the prices of said parts from sales accounts registered in said parts database based on similar part numbers of said parts and attributes of said parts when an instruction for similar-part price setting is output from said terminal (Paragraph 0006; discloses that external inquiries can be made, Paragraph 0152; discloses that the database can be used to do data management such as registration, maintenance, correction, and deletion, from this it is shown that since all of the information is stored in the database, a authorized user would be able to search the information, Figure 17; discloses the price table which would be displayed, from this it is shown that the database stores all of the relevant information regarding the products and this information can be searched and displayed to the user upon request).

a cost-information-price-setting unit that has the function of searching for the prices of said parts from the cost information registered in said price-setting database based on part numbers of said parts and attributes of said parts when an instruction for cost-information price setting is output from said terminal (Paragraph 0006; discloses

that external inquiries can be made, Paragraph 0152; discloses that the database can be used to do data management such as registration, maintenance, correction, and deletion, from this it is shown that since all of the information is stored in the database, a authorized user would be able to search the information, Figure 17; discloses the price table which would be displayed, from this it is shown that the database stores all of the relevant information regarding the products and this information can be searched and displayed to the user upon request).

Suzuki et al. fails to disclose where the database would include profit-loss information. Suzuki et al. further fails to disclose the use of temporary information and the parts being repair parts.

American Machinist, which talks about the use of estimating systems to help get a more exact price for products, teaches using the temporary information about a price of product, and storing that temporary information in a database (Page 2, paragraph 12; teaches that the original estimates are based off of the estimated times from the database, when actual times differ from the estimates the actual times replace the numbers, Page 2, paragraph 13; teaches that from these different estimates they choose the best method for producing the part to achieve the lowest cost, from these two paragraphs it is shown that their software gets an estimation based on temporary numbers and stores that information in the database, that information is stored until more accurate data can be acquired).

From this teaching of American Machinist, it would have been obvious to one having ordinary skill in the art at the time the invention was made to modify the price

setting management system provided by Suzuki et al., with the use of temporary information taught by American Machinist, to calculate the most cost effective way to set the price of a product. It is important to set an accurate price as soon as possible to ensure good product sales and through the use of temporary data used by this software it is possible to get to a more accurate result faster.

Inoue, which talks about calculating a repair cost of a damaged car, teaches where the prices of repair parts is calculated (Figure 20; teaches that there are calculated prices per repair part which in this case is the different parts that were damaged).

From this teaching of Inoue, it would have been obvious to one having ordinary skill in the art at the time the invention was made to modify the price setting management system using temporary information provided by the combination of Suzuki et al. and American Machinist, with the use of this system in a field such as repair parts taught by Inoue, for the purpose of allowing manufactures of repair parts to better estimate the cost of a new part, this would aid them in the marketing of these parts as well as knowing the profit of selling the item.

Huey, which talks about the use of a profit and loss statement, teaches displaying profit loss statements (Page 1, paragraph 1; teaches that a loss profit or profit-loss is used to show how well a company buys and sells inventory (or services) to make a profit and that a firm must create profit in order to survive and remain solvent).

From this teaching of Huey, it would have been obvious to one having ordinary skill in the art at the time the invention was made to modify the repair parts price setting

management system using temporary information provided by the combination of Suzuki et al., American Machinist, and Inoue, with the use of profit loss to show the profit of a product taught by Huey, for the purpose of determining which products are profitable and to be able to adjust the price of a product to make a profit. Without this profit the product will not be desirable.

**As per claims 3 and 6**, the combination of Suzuki et al., American Machinist, Inoue, and Huey teaches the above-enclosed invention, Suzuki et al. discloses the registration of products in a pricing system (Paragraph 0188; discloses the use of a pricing table to register a product).

Suzuki et al. fails to disclose using temporary information to evaluate the price of a repair part.

American Machinist, which talks about the use of estimating systems to help get a more exact price for products, teaches using the temporary information about a price of product, and storing that temporary information in a database (Page 2, paragraph 12; teaches that the original estimates are based off of the estimated times from the database, when actual times differ from the estimates the actual times replace the numbers, Page 2, paragraph 13; teaches that from these different estimates they choose the best method for producing the part to achieve the lowest cost, from these two paragraphs it is shown that their software gets an estimation based on temporary numbers and stores that information in the database, that information is stored until more accurate data can be acquired and that the temporary information can become the real data if after evaluated it is determined to be the best or most profitable).

From this teaching of American Machinist, it would have been obvious to one having ordinary skill in the art at the time the invention was made to modify the price setting management system provided by Suzuki et al., with the use of temporary information taught by American Machinist, to calculate the most cost effective way to set the price of a product. It is important to set an accurate price as soon as possible to ensure good product sales and through the use of temporary data used by this software it is possible to get to a more accurate result faster.

Inoue, which talks about calculating a repair cost of a damaged car, teaches where the prices of repair parts is calculated (Figure 20; teaches that there are calculated prices per repair part which in this case is the different parts that were damaged).

From this teaching of Inoue, it would have been obvious to one having ordinary skill in the art at the time the invention was made to modify the price setting management system using temporary information provided by the combination of Suzuki et al. and American Machinist, with the use of this system in a field such as repair parts taught by Inoue, for the purpose of allowing manufactures of repair parts to better estimate the cost of a new part, this would aid them in the marketing of these parts as well as knowing the profit of selling the item.

### ***Conclusion***

Any inquiry concerning this communication or earlier communications from the examiner should be directed to PAUL R. FISHER whose telephone number is (571)270-5097. The examiner can normally be reached on Mon/Fri [7:30am/5pm] with first Fri off.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Lynda Jasmin can be reached on (571) 270-3033. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

PRF

/Lynda Jasmin/

Supervisory Patent Examiner, Art Unit 4127